

Notice of Allowability

Application No.

09/872,243

Applicant(s)

NGAI ET AL.

Examiner

Art Unit

Shane M. Thomas

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 12/12/2005.
2. ☒ The allowed claim(s) is/are 2-8, 10-27 and 54-102 (renumbered 1-74).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

Applicant's arguments, see Amendment pages 20-23, filed 12/21/2005, with respect to claims 2,4, and 54, have been fully considered and are persuasive. A detailed review of the prior art reference of Courts et al. (U.S. Patent No. 5,636,360) in light of the Applicant's arguments and claim language and the Examiner agrees with the assessment made by the Applicant. The rejections of claims 2-4,10-16,19,25,26,54-56,60-68,73-476,82,88,89,91-93, and 97-102, have been hereto withdrawn.

Claims 2-8, 10-27, and 54-102 (renumbered 1-74) are allowable over the prior art of record. The following is an examiner's statement of reasons for allowance:

As per claims 2, 4, and 54, the prior art of record does not explicitly teaching, alone or in combination, all the limitations of independent claim 2. Courts et al. does not teach undo information as claimed and defined by the Applicant (page 22 of the Amendment filed 12/12/2005). The newly cited prior art reference of Long (U.S. Patent No. 6,526,416) teaches undo information as claimed (column 19, lines 53-59) that is stored in segments (log files 244) of a plurality of segments (one log file for each Applicant Server Process 90) of a storage space (HDD 27) where the sizes of the plurality of segments 244 can be resized to the most sufficient amount of space for the log file 244 - refer to column 13, lines 57-65, and column 16, line 60 - column 17, line 3. However, Long does not specifically teach pre-allocating these log files for entities that will be assigned to that particular segment (claim 2, lines 10-12; claim 4, line 9-11; and claim 54, lines 6-8). Long teaches away from such a limitation as Long specifically states

Art Unit: 2186

that each log file 244 is assigned to a single entity (Applicant Server Program 90) - column 13, lines 64-65) and not multiple entities.

Additionally, Long teaches the *recovery engine* monitoring the usage of storage space (collection of log files 244) in column 17, lines 1-3. As such, Long does not teach the claimed limitation of monitoring of the storage space to be provided by the entities (Application Server Programs 90) - claim 2, line 9, and claim 4, line 12.

Further regarding claim 54, Long does not teach or suggest motivation for *using each segment 244 of the plurality of segments as a circular buffer*.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2186

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane M. Thomas whose telephone number is (571) 272-4188. The examiner can normally be reached on M-F 8:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shane M. Thomas



MATTHEW KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100